

<b>69-202</b>	<b>UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS) STATUS REQUIREMENT</b>	<b>69-202</b>
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- .1 For purposes of determining eligibility for cash assistance and social services under RRP, a person must provide proof, in the form of documentation issued by the USCIS, of one of the following statuses:
  - .11 Paroled as a refugee or asylee under Section 212(d)(5) of the INA.
  - .12 Cuban and Haitian entrants, in accordance with requirements in Section 69-302.
  - .13 Admitted as a refugee under Section 207 of the INA.
  - .14 Granted asylum under Section 208 of the INA.
  - .15 Certified as a victim of a severe form of trafficking by the federal Office of Refugee Resettlement (ORR).
  - .16 Eligible family members of a victim of a severe form of trafficking certified by ORR who have a T-2, T-3, T-4, or T-5 Visa.
  - .17 Certain Amerasians from Vietnam who are admitted to the United States as immigrants pursuant to Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in Section 101(e) of Public Law 100-202 and amended by the 9<sup>th</sup> proviso under Migration and Refugee Assistance in Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Public Law 100-461 as amended)).
  - .18 Admitted for permanent residence provided the individual previously held one of the statuses identified above.
- .2 For purposes of determining eligibility for assistance and social services under RRP, the term "refugee" does not include:
  - .21 Any person with an USCIS status of 1) applicant for asylum (as distinguished from a person who has been granted asylum) or 2) Cuban/ Haitian Entrant, or 3) Humanitarian/Public Interest Parolee.

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- .211 Cubans and Haitians are assisted under the Cuban/Haitian Entrant Program (CHEP) and receive cash assistance under the Entrant Cash Assistance (ECA) Program.

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- .22 Those persons who are 1) actually dependent upon a repatriated United States citizen, except as provided in Section 69-202.221, and 2) who meet one of the following categories of relationship with such citizen: spouse, parents, grandparents, unmarried minor (under 18 years), children including adopted children and stepchildren, unmarried adult children who are dependent because they are handicapped, including adopted children and stepchildren, spouse's parents, spouse's grandparents and minor siblings of the repatriate and spouse. Repatriated United States citizens and their dependents as defined above are included in the Repatriate program. (See [MPP] Division 68.)
- .221 Following the first 90 days after date of entry in the United States, those dependents of repatriated United States citizens who qualify as refugees are eligible to apply under the RRP.

| .3 Children

- .31 In a number of cases, children have been born in the United States to refugee parents, or have been born to a refugee and a United States citizen. These children are considered to be United States citizens by birth. However, under the following circumstances, such children are eligible for assistance (CalWORKs, SSI/SSP, RCA, and medical assistance) and social services funded under RRP:
- .311 Children born in the United States of refugee parents are eligible for cash and medical assistance and social services through RRP. Such children are to be included in the parent's case.
- .312 Children who are born of a refugee and a United States citizen, who are living with the aided refugee parent only, can be aided through RRP. Such children are to be included in the refugee parent's case.
- .32 United States citizen children born of a refugee and a United States citizen are not eligible for assistance or services funded by RRP if the household unit includes the United States citizen parent. In these situations, the refugee parent if eligible may receive RRP funded assistance (CalWORKs, SSI/SSP, RCA and/or medical assistance) and social services; and the United States citizen parent and the children if eligible may be aided under the regular (non-RRP funded) CalWORKs, SSI/SSP, medical assistance and/or social services programs.

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- .33 In any household unit consisting of a refugee and a nonrefugee alien, the "nonrefugee alien" should be considered as the "United States citizen" for purposes of Sections 69-202.31 and .32.
- .34 Children of refugees who are relinquished for foster care placement shall have their eligibility for AFDC-FC determined in accordance with AFDC-FC regulations.
- .35 Minor refugee children for whom no legal relationship has been established with an adult, shall be referred to the appropriate agency, contracted with by the State to operate the Unaccompanied Refugee Minor Program, to initiate the establishment of legal custody and/or guardianship, as appropriate, in accordance with applicable State law.

.4 RCA

- .41 For purposes of determining eligibility for RCA, RCA means cash assistance provided to refugees who have been determined to be ineligible for CalWORKs or SSI/SSP and who have resided in the United States for no longer than the period of time required by federal regulations contained in 45 CFR Sections 400 et seq. or official issuances from the Director of the Federal Office of Refugee Resettlement. This period of time is referred to as time eligibility.

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- .411 Federal regulations, effective October 1, 1991, set RCA time eligibility at 8 months (45 CFR Sections 400.203 and 400.211).

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- .42 Repealed by Manual Letter No. SP-91-01, effective 2/1/91.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 8 U.S.C. 1182(d)(5)(B) 45 CFR 400.43; The Trafficking Victims Protection Reauthorization Act of 2000 (P.L. 106-386), Sections 107(b)(1)(A), (B), and (C); and The Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193).